

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLOTTE ZITO et al.,

Plaintiffs,

v.

RENAL TREATMENT CENTERS WEST
INC.,

Defendant.

CASE NO. 2:24-cv-00820-LK

ORDER GRANTING STIPULATED
MOTION TO REMAND

This matter comes before the Court on the parties' Stipulated Motion to Remand to State Court. Dkt. No. 31. The parties "have agreed to a stipulated remand in the interest of pursuing settlement" and request that this action be remanded to King County Superior Court. *Id.* at 3.

Courts have a "virtually unflagging obligation to exercise the jurisdiction conferred upon [them] by the coordinate branches of government and duly invoked by litigants," including removal jurisdiction. *Williams v. Costco Wholesale Corp.*, 471 F.3d 975, 977 (9th Cir. 2006) (quoting *United States v. Rubenstein*, 971 F.2d 288, 293 (9th Cir. 1992) (internal quotation marks omitted)). Accordingly, "subject-matter jurisdiction is a beast that parties . . . just can't kill" by

1 stipulation. *Lawrence v. Fairfield Processing Corp.*, No. 4:22-CV-00985-SRC, 2022 WL
2 10423622, at *2 (E.D. Mo. Oct. 18, 2022). A court cannot grant parties’ motion to remand “by
3 thoughtlessly rubber-stamping their proposed order,” particularly if the “the removing parties
4 maintain that the Court had subject matter jurisdiction at the time of removal.” *Smith v. Gemcap*
5 *Trucking, Inc.*, No. 4:21-CV-242, 2022 WL 1184369, at *1 (S.D. Ga. Apr. 21, 2022).

6 Nonetheless, it is well established that federal courts “have an independent obligation to
7 determine whether subject-matter jurisdiction exists[.]” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514
8 (2006). Indeed, this determination is an “inflexible” threshold requirement that must be made
9 “without exception, for jurisdiction is power to declare the law, and without jurisdiction the court
10 cannot proceed at all in any cause.” *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999)
11 (citation modified). The Ninth Circuit “strictly construe[s] the removal statute against removal
12 jurisdiction,” and “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of
13 removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). “The ‘strong
14 presumption’ against removal jurisdiction means that the defendant always has the burden of
15 establishing that removal is proper.” *Id.* “If at any time before final judgment it appears that the
16 district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c).
17 In light of the parties’ stipulated motion and the Court’s independent duty described above, the
18 Court will examine whether it has subject matter jurisdiction over this case.

19 Defendant Renal Treatment Centers-West, Inc. removed this action pursuant to the Class
20 Action Fairness Act of 2005 (“CAFA”), which requires, among other things, that the amount in
21 controversy exceed \$5,000,000. Dkt. No. 1 at 1; 28 U.S.C. § 1332(d)(2). Defendant alleged the
22 amount in controversy based on wage underpayments for 1,600 employees. Dkt. No. 1 at 10. After
23 Defendant produced documents, the parties “meaningfully and repeatedly conferred,” and they
24 identified “a discrepancy between the named Renal Treatment Centers-West, Inc. employee census

1 (which encompassed 229 putative class members) and the employee census for Defendant's parent
2 and related companies (which encompassed approximately 1,600 people at the time of removal)."
3 Dkt. No. 31 at 2. Plaintiff has not named those parent and related companies as Defendants, *see*
4 *generally* Dkt. No. 1-1, and the parties do not allege that the amount in controversy is met when
5 the putative class includes only 229 members. Defendant Renal Treatment Centers-West, Inc. has
6 therefore failed to meet its burden to establish that the Court has subject matter jurisdiction.

7 The Court therefore ORDERS that:

8 1. Pursuant to 28 U.S.C. § 1447(c), all further proceedings in this case are REMANDED
9 to the Superior Court for King County in the State of Washington;

10 2. The Clerk of the Court shall mail a certified copy of this Order to the Clerk of the Court
11 for the Superior Court for King County Washington;

12 3. The Clerk of the Court shall also transmit the record herein to the Clerk of the Court for
13 the Superior Court for King County, Washington; and

14 4. The Clerk of the Court shall CLOSE this case.

15 Dated this 7th day of August, 2025.

16 

17

Lauren King
18 United States District Judge
19
20
21
22
23
24